

REMARKS

This Reply is responsive to the examiner's action which reopened prosecution in the above application.

Applicant respectfully requests a telephonic interview with the examiner and the examiner's supervisor prior to any further action by the examiner in this application. Applicant will call the examiner to arrange an interview.

The examiner rejected claims 1-23 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Specifically the examiner's contention is that:

The claimed method consists solely of the manipulation of an abstract idea and is not concrete or tangible. [citations omitted] In addition, the claims is devoid of any limitation to a practical application in the technological arts. The invention in the body of the claim must recite technology. If the invention, in the body of the claim, is not tied to technological art, environment or machine, the claim is not statutory [citations omitted]. As to claims 18-19, the claims appear to be directed toward a client station but do not include any more than descriptions of a quote and no tie to the technological art. As to claims 20-23, the claims appear to be directed towards a graphical user interface but again appear to merely describe quotes.

Applicant has amended claims 1-20 to include technology in the body of the claims. The claims, as amended, are not directed solely to the manipulation of an abstract idea, but rather recite the tangible elements of a method, apparatus, system and article.

Claim 1 for example now calls for a method executed in a computer server system for managing quotes for a security. Claim 1 also calls for receiving by the server computer system from client systems used by market participants additional aggregate quotes... Claim 1 and its dependent claims recite technology and not an abstract idea. Receiving quotes by a server computer system is not an abstract idea but rather is a tangible action involving the technological arts.

Claim 13 calls for an electronic market for trading of securities ... comprising, a plurality of client systems ... and a server computer system Claim 13 recites technology in the body and preamble of the claim and is not directed to the manipulation of an abstract idea, but rather recites tangible elements of a system.

Claim 18 is directed to client station for entering quotes for securities. The client system comprising a display. Claim 18 recites technology in the body and preamble of the claim and is not directed to the manipulation of an abstract idea, but rather recites tangible elements of a system.

As for claims 20-23, these claims recite a graphical user interface, an article of manufacture. The graphical user interface includes an aggregation window that displays additional aggregate quotes for a plurality of price levels of a product traded in the market, the aggregate quotes including quotes that are attributable to market participants and quotes that are displayable quotes but are not attributable to any market participants. . Claims 20-23 do not recite a mere abstract idea, but claims an aggregation window which displays aggregate quotes.

The examiner rejected claims 1-24 under 35 U.S.C. 112, second paragraph.

The examiner has apparently reconsidered her position regarding the restriction requirement made for claim 24. Applicant will address this below.

The examiner has made several inaccurate statements regarding what the claims recite.

Claim 1 is not incomplete and is not directed to a method of trading securities. Claim 1, as previously presented recited "A method for managing quotes for a security ..." and as now amended recites "A method executed in a computer server system for managing quotes for a security" Claim 1 was not then, nor is now incomplete.

Claim 1 does not recite "additional aggregates," as set out by the examiner. Antecedent basis for "additional aggregate quotes" is found in claim 1 as "receiving ... additional aggregate quotes." The term "additional aggregate quotes" is a type of quote that has a size value, and which is displayable on displays of client systems, as trading interest in a security, but which is not attributable to any market participant.

Claim 10 does not recite "the reserve quote." Rather, claim 10 recites receiving a reserve quote. Claim 12 recites ... executing, by the server computer system, additional aggregate quotes and reserve quotes against any balance of the order. Antecedent basis is provided for both of these terms in base claims 1 and 3 respectively.

Claim 13 has been amended to delete server process and replace with server computer system. Claims 14 and 15 have been amended to clarify the claims.

The term "can be" does not appear in claim 17.

As for claims, 18, 20 and 24, the metes and bounds of these claims are clear. The examiner has not offered any reasons why one of ordinary skill in the art would not understand the metes and bounds of these claims and thus Applicant unable to respond any further to the examiner's rejection.

Claim 21 finds support for "the aggregation window" in base claim 20.

Claim 23 does not recite "the system."

As for claim 24, Applicant has re-stored original claim 24 and claims 25-41. Claim 24 was amended to include technological features of a computer program product, residing on a computer readable medium for managing quotes in an electronic market that trades securities. The remaining claims 25-41 were also amended as appropriate.

Applicant contends that claims 24-41 are properly joined in the instant application and that the restriction requirement made by the examiner in the office action of May 5, 2003 is improper. Having included claim 24 in the rejection, the examiner has re-opened this issue.

Claims 1-23 are directed to "a method executed in a computer server system of an electronic market for managing quotes," whereas, Claims 24-34 are directed to "a computer program product, residing on a computer readable medium for managing quotes in an electronic market." Both sets of claims recite the feature of additional aggregate quotes having a size and a price and being non-attributable to any market participant. In the Office Action dated May 5, 2003, the examiner contends that "... claims [24-34] are directed to quotes having a specific size and price and attributable to a particular market participant." Both claim 1 and 24 are directed to additional aggregate quotes having a size and price and being non-attributable to any market

participant. Therefore, the claims are of the same species and the restriction should be withdrawn.

Similarly, claims 35-41 are drawn to a similar invention, as claim 20 and thus the restriction of those claims should be withdrawn. Claim 20 is directed to a graphical user interface for an electronic market for trading products including an aggregation window that displays additional aggregate quotes for a plurality of price levels of a product traded in the market, the aggregate quotes including quotes that are attributable to market participants and quotes that are displayable quotes but are not attributable to any market participants.

Claim 35 is directed to a graphical user interface for an electronic market for trading financial security products including an aggregate window having a first plurality of indicators that displays totals of aggregated attributable and non-attributable interest of market participants at each of a plurality of price levels of a financial security product traded in the market and a second, separate set of indicators that displays totals of the aggregated attributable and non-attributable interest that represents agency interest at each of the price levels.

Applicant does not see that these are independent and distinct inventions and thus the restriction is in error.

The Examiner rejected claims 1-23 under 35 U.S.C. 102(b), as being anticipated by Gutterman et al., U.S. Patent 5,297,031 (Gutterman).

Applicant's claim 1 is directed to a method ...of managing quotes for a security. Appellant's claimed method includes receiving by the server computer system from client systems ... additional aggregate quotes, the additional aggregate quotes having a size value with the additional aggregate quotes being quotes that are displayable on displays of client systems, as trading interest in a security, but not being attributable to any market participant. Gutterman does not anticipate claim 1.

The Examiner contends that Gutterman anticipated this claim and disclosed "a method of trading securities." The examiner contends that the abstract of the Gutterman reference has all of the features that anticipate claim 1. The examiner does not address each and every element of claim 1. For example, the examiner does not address the "additional aggregate quotes having a

size” or that these quotes are “displayable as trading interest in a security, but are not attributable to any market participant.” Applicant is unable to find any corresponding teachings in Gutterman for the features of claim 1.

Gutterman does not teach “managing quotes for a security” as in claim 1 because Gutterman does not discuss quotes. As shown in Fig. 2b, and as taught by Gutterman “it is advantageous to show buy orders in blue and sell orders in red” (col. 11, lines 41-44). Gutterman displays “the total number of orders at each price level” (col. 10, lines 39-47). According to Gutterman, what is displayed is the total number of orders. Gutterman does not suggest to modify the system to handle quotes along with orders.

As shown in FIG. 2a-d of Gutterman, the incoming orders pane 120 includes selected information about each of the orders.

“The selected information about each incoming order (seven of which are shown in the figure) includes the quantity (shown in the QTY column), price (\$ column), contract and month code (CT column), order type (T column), sending commission house or firm (FIRM column) and the total number of contracts at that price for all incoming orders (TOT column)” (col. 10, lines 39-46).

Gutterman's system includes a feature to “present any information about the selected order that was available to the order entry system but not displayed” (col. 14, lines 19-21). Since the firm or broker information is available to the order entry system, the user could view this information even if it were not displayed. Thus, orders whether considered as equivalent or not to quotes, are always displayable in Gutterman and thus are also attributable. Inherently Gutterman does not teach displayable and non-attributable interest, as in appellant's claim 1.

In addition, Gutterman “provides the minimum amount of information believed necessary for the broker to decide whether to accept or reject an order” (col. 14, lines 6-10) and the displayed information includes the house or firm, (col. 10, line 44 and col. 11, lines 34-36). Gutterman, therefore, does not describe displaying additional quotes that are no attributable to any market participant. Thus, Gutterman cannot be an anticipating reference under 35 U.S.C. 102(e) since it does not contain every feature of the claimed invention.

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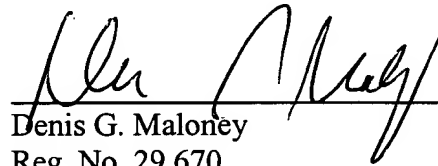
Applicant's remaining claims include at least the feature of additional aggregate quotes that are displayable but not attributable. Thus, the remaining claims are allowable over Guttermann at least for this reason and for the reasons of record.

Since Applicant has previously paid an excess claims fee and has restored these claims at the invitation of the examiner, no fee is due. If a fee is due do not charge that fee, but instead call the undersigned. Please apply any other charges or credits, except for the excess claims fee to deposit account 06-1050.

Respectfully submitted,

Date: _____

2/14/05



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